

**Knobbe Martens Olson & Bear LLP**

Intellectual Property Law

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Fourteenth Floor  
Irvine, CA 92614  
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[www.kmob.com](http://www.kmob.com)

**USPTO FACSIMILE TRANSMITTAL SHEET**

Page 1 of 1

Docket No.: TOYA141.001APC

**CUSTOMER NO. 20995**

Applicant : Yasuda, et al.  
 App. No. : 10/521,947  
 Filed : January 21, 2005  
 For : COMPOSITION FOR PROMOTING THE PROLIFERATION OF LACTOBACILLUS CASEI SUBSP. CASEI  
 Examiner : Unknown  
 Group Art Unit : Unknown

**CERTIFICATE OF FAX TRANSMISSION**

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO Legal Department Fax No. (571) 273-0459 on the date shown below:

January 13, 2006



Che S. Chereskin  
Che Swyden Chereskin, Ph.D., Reg. No. 41,466

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

- (X) Petition in 2 pages.
- (X) Copies of submissions of February 18 and August 9, 2005 of executed Declaration and Power of Attorney in support of Petition request.
- (X) Total pages in transmission: 16

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

**RECEIVED**

13 JAN 2006

Legal Staff  
International Division

2288989  
011306



Che S. Chereskin  
Che Swyden Chereskin, Ph.D.  
Registration No. 41,466  
Agent of Record  
Customer No. 20,995  
(949) 760-0404

**San Diego**  
619-235-8550

**San Francisco**  
415-954-4114

**Los Angeles**  
310-551-3450

**Riverside**  
951-781-9231

**San Luis Obispo**  
805-547-5580

**BEST AVAILABLE COPY**

Docket No.: TOYA14 01APC

August 9, 2005  
Page 1 of 1Please Direct All Correspondence to Customer Number 20995**TRANSMITTAL**

Applicant : Yasuda, et al.  
 App. No : 10/521,947  
 Filed : January 21, 2005  
 For : COMPOSITION FOR PROMOTING  
       THE PROLIFERATION OF  
       LACTOBACILLUS CASEI SUBSP.  
       CASEI  
 Examiner : Unknown  
 Art Unit : Unknown

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 9, 2005

(Date)

*Che S. Chereskin*  
Che Swyden Chereskin, Ph.D., Reg. No. 41,466**RECEIVED**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

13 JAN 2006

Legal Staff  
International Division

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Letter in 1 page.
- (X) Copies of documents as originally filed on February 18, 2005.
- (X) Copy of Notice to File Missing Parts.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

*Che S. Chereskin*

Che Swyden Chereskin, Ph.D.  
 Registration No. 41,466  
 Agent of Record  
 Customer No. 20,995  
 (949) 760-0404

1855388  
080905**BEST AVAILABLE COPY**

TOYA141.001APC

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yasuda, et al.  
 Appl. No. : 10/521,947  
 Filed : January 21, 2005  
 For : COMPOSITION FOR PROMOTING  
       THE PROLIFERATION OF  
       LACTOBACILLUS CASEI SUBSP.  
       CASEI  
 Examiner : Unknown  
 Group Art Unit : Unknown

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LETTER

13 JAN 2006

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Legal Staff  
 International Division

Dear Sir:

On February 18, 2005, in anticipation of receipt of a Notice to File Missing Parts, we forwarded an executed Declaration and Power of Attorney along with the required late filing surcharge. We have now received a Notice to File Missing Parts as mailed by the Office on July 18, 2005. Upon checking the PAIR website, there is no acknowledgement of receipt of the original Declaration. Consequently, we enclose herewith copies of the documents as filed on February 18, 2005, along with a copy of the Notice to File Missing Parts.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON &amp; BEAR, LLP

Dated: August 9, 2005

By:

  
 Che Swyden Chereskin, Ph.D.  
 Registration No. 41,466  
 Agent of Record  
 Customer No. 20,995  
 (949) 760-0404

1855335.080905

**UTILITY/DESIGN PATENT**  
(missing parts)

Date: 2-18-05  
Date of Action: N/A

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: TOYA 911.001A PC Applicant: Yasuda, et al.

Title: Composition for Promoting the Proliferation

App No.: 10/1521,947 Filed: 1-21-05

VERIFIED BY: Asst SAS Atty: C.C. Cherekin QC: DWJ

- Transmittal Letter
- Notice to File Missing Parts
- Decl and Power of Atty
- Decl by Inventor(s)
- POA by Assignee; copy of Assignment
- Sequence Submission Statement
- Sequence Listing in \_\_\_\_\_ pgs
- \_\_\_\_\_ copies of CRF Containing Seq List
- Return Prepaid Postcard

- Preliminary Amendment in \_\_\_\_\_ pgs
- Copy of Original Specification and Drawings
- Information Disclosure Statement; and PTO-1449 w/ \_\_\_\_\_ Ref(s)
- Letter Requesting Refund
- \_\_\_\_\_ Month Extension Requested
- \$ 130 Check for Filing Fee
- 
- 

(7/14/03)

**KNOBBE MARTENS OLSON, & BEAR  
PATENT ACCOUNT**  
2040 MAIN STREET, 14TH FL  
IRVINE, CA 92614

101521,947

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11-24/1210  
41693351

PAY  
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COMMISSIONER OF PATENTS

DATE Feb 18, 2005

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Yasuda, et al.

FOR TOYA 911.001A PC MP Adriana L. Gutierrez

100000068342 1015210002481

4159335140

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PATENT

Attorney Docket No. TOYA141.001APC

Date: February 18, 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yasuda, et al.  
 Application No. : 10/521,947  
 Filed : January 21, 2005  
 For : COMPOSITION FOR PROMOTING  
 THE PROLIFERATION OF  
 LACTOBACILLUS CASEI SUBSP.  
 CASEI  
 Group Art Unit : Unknown  
 Examiner : Unknown

I hereby certify that this correspondence and all  
 marked attachments are being deposited with the  
 United States Postal Service as first class mail in an  
 envelope addressed to: Commissioner for Patents,  
 P.O. Box 1450, Alexandria, VA 22313-1450, on

February 18, 2005

(Date)

Che Swyden Chereskin, Ph.D., Reg. No. 41,466

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13 JAN 2006

## TRANSMITTAL LETTER

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Legal Staff  
 International Division

Dear Sir:

At the time the above-identified application was filed, a Declaration was not submitted. As of this date, we have not received a Notice to File Missing Parts. However, in anticipation of receiving this communication, we are forwarding to you the following documents:

- (X) The signed Declaration and Power of Attorney
- (X) A check for \$130 to cover the surcharge
- (X) Please charge our Deposit Account No. 11-1410 for any additional fees which may be required, now or in the future, or credit our account for any overpayment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON &amp; BEAR, LLP

Dated: Feb. 18, 2005

By:

Che Swyden Chereskin, Ph.D.  
 Registration No. 41,466  
 Agent of Record  
 Customer No. 20,995  
 (949) 760-0404

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,947		TOYA141.001APC

2099;  
**KNOBBE MARTENS OLSON & BEAR LLP**  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614

INTERNATIONAL APPLICATION NO.	
PCT/JP03/09272	
LA. FILING DATE	PRIORITY DATE
07/22/2003	07/22/2002

CONFIRMATION NO. 2270  
**371 FORMALITIES LETTER**  
  
 \*OC000000016545729\*

Date Mailed: 07/18/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/21/2005
- English Translation of the IA filed on 01/21/2005
- Copy of the International Search Report filed on 01/21/2005
- Copy of IPE Report filed on 01/21/2005
- Preliminary Amendments filed on 01/21/2005
- U.S. Basic National Fees filed on 01/21/2005
- Priority Documents filed on 01/21/2005

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13 JAN 2006

Legal Staff  
International Division

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

Page 2 of 2

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,947	PCT/JP03/09272	TOYA141.001APC

FORM PCT/DO/EO/905 (371 Formalities Notice)

RECEIVED

13 JAN 2006

Legal Staff  
International DivisionUTILITY/DESIGN PATENT  
(missing parts)

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:  
 Docket #: TOYAKI 101521 947 Applicant: Yasuda, et al.  
 Title: Competition for Promoting the Progression  
 App No.: 101521 947 Filed: 1-21-05  
 VERIFIED BY: Asst: SAC Atty: C.C. Chereckin QC: CC

- Transmittal Letter
- Notice to File Missing Parts
- Decl and Power of Atty
- Decl by Inventor(s)
- POA by Assignee; copy of Assignment
- Sequence Submission Statement
- Sequence Listing In \_\_\_\_\_ pgs
- \_\_\_\_\_ copies of CRF Containing Seq List
- 
- Return Prepaid Postcard

Date: 2-18-05  
Date of Action: N/A

- Preliminary Amendment in \_\_\_\_\_ pgs
- Copy of Original Specification and Drawings
- Information Disclosure Statement; and PTO-1449 w/ \_\_\_\_\_ Ref(s)
- Letter Requesting Refund
- \_\_\_\_\_ Month Extension Requested
- \$ 130 Check for Filing Fee
- 
- 

(7/14/03)

KNOBBS MARTENS OLSON, & BEAR  
PATENT ACCOUNT  
2040 MAIN STREET, 14TH FL  
IRVINE, CA 92614 101521, 947

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4159335140PAY  
TO THE  
ORDER OF \_\_\_\_\_

COMMISSIONER OF PATENTS

DATE Feb 18, 2005One hundred thirty 00\$ 130

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wellsfargo.com

Yasuda, et al.

FOR TOYAKI 101521 947 M.P. Surcharge  
#000000683424 101210002481: 4159335140Adriana J. Gutierrez

## PATENT

Attorney Docket No. TOYA141.001APC  
Date: February 18, 2005

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Applicant(s) : Yasuda, et al.  
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Examiner : Unknown

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KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 18, 2005

By: Che S. Chereskin  
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(949) 760-0404